

60,298-397; ST 231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Butcher, et al.
Serial No.: 09/963,772
Filed: 09/26/2001
Group Art Unit: 2836
Examiner: Nguyen, Danny
For: OVERLOAD STATUS INDICATOR
FOR A REFRIGERATION UNIT

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This is in response to the Failure to Acceptably Respond mailed August 13, 2004. A brief explanation of the history of this application is in order. The application was filed with original claims 1-13. On June 7, 2004, applicant filed a response to an office action dated March 17, 2004. That response amended several of the claims, cancelled claims 11-13, and added new claims 14-17. On June 22, 2004, the first Notice of Non-Compliant Amendment was mailed. This Notice alleged that there were no claims 11-13. Clearly, the Amendment mailed in June cancelled claims 11-13, and clearly claims 11-13 were included with the application as filed. Thus, it appears this Notice was incorrect. However, in response to this Notice, on July 8, 2004, applicant resubmitted the amended claims, and renumbered new claims 14-17 as claims 11-14. The "Failure to Acceptably Respond" document mailed August 13, 2004 properly

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indicated that since claims 11-13 did exist and had been cancelled, that the new claims should have been numbered 14-17. Applicant agrees. Thus, an Amendment tracking the original amendment, canceling claims 11-13, and adding new claims 14-17 is now submitted. Although no fees are believed due, you are authorized to charge any required fees to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds. Further, if this application is now held as having been abandoned, please consider this a conditional petition to withdraw that abandonment as the original notice was improper. If this conditional petition to withdraw is not granted, then please consider this as a conditional petition to have this application revived as having been unintentionally abandoned. Fees associated with any of these petitions may be charged to the above-referenced deposit account.

Respectfully submitted,

CARLSON, GASKEY & OLDS


By: 

Theodore W. Olds, Reg. No. 33,080
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: September 1, 2004

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on September 1, 2004.


Laura Combs

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AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Failure to Acceptably Respond mailed August 13, 2004,
please amend the application as follows: